

June 10, 1998

via facsimile

Honorable Howard Coble  
Chairman  
Honorable Barney Frank  
Ranking Minority Member  
Subcommittee on Courts and  
Intellectual Property  
Committee on the Judiciary  
B-351A Rayburn HOB  
Washington, D.C. 20515

Dear Chairman Coble and Congressman Frank:

I am writing to call your attention to a series of very serious ethical lapses by members of the Federal Judiciary, and to request full oversight hearings by your subcommittee.

As you may know, investigative journalists for the *Kansas City Star* have documented several instances in which U.S. District Court Judges held a financial interest in a party appearing before them. Not only did these judges fail to recuse themselves from hearing the case where they had a conflict of interest, but in some instances the judges entered procedural and dispositive court orders.

As the *Kansas City Star* reported on April 4, 1998:

"[F]ederal judges from the Kansas City area issued more than 200 court orders while holding an interest in a litigant. They set hearings, granted motions, threw out legal claims and even conducted a jury trial."

Nor are these conflicts limited to the Kansas City area; the *Star* investigation of courthouse records in Oregon and Pennsylvania found identical problems.

Canon 3(c) of the Code of Conduct for U.S. Judges explicitly requires a judge to disqualify himself or herself where the judge "has a financial interest ... in a party to the proceeding." It is difficult to imagine a more fundamental breach of judicial integrity and the rights of litigants than the failure to ensure that impartial, disinterested judges preside in matters before the federal courts. On behalf of HALT's 50,000 members, I am requesting an immediate congressional investigation.

Equally troubling, the *Star's* investigation revealed that there are major inadequacies in the current system of financial disclosures that are intended to protect litigants against such conflicts. For example, judges' financial reports are only available at the Administrative Office of the U.S. Courts here in Washington, D.C. Litigants must request copies in writing, not over the phone; use a special notarized form (AO-10a), which is

only available from the office in Washington; and are charged 50 cents a page, payable in advance. In addition, individuals must list their name, address and occupation, and the "organizations or persons on whose behalf this request is made." Finally, the form warns that lying could lead to a \$10,000 fine and five years in prison; and a copy of the request is sent to the judge involved.

These burdensome and unnecessary requirements seem to be designed to discourage access to financial information about federal judges, and are in marked contrast to the open access that ethics laws require for Members of Congress and senior officials in the Executive Branch. There is no legitimate reason for such special treatment of Federal Judges, and we hope your subcommittee will also review the applicable disclosure statutes to bring them in line with the sunshine laws that apply to other parts of our government.

As a national, non-profit public interest group working to help all Americans handle their legal needs simply, affordably and equitably, HALT is deeply concerned by the pattern of judicial improprieties documented by the *Kansas City Star*, and the lax internal oversight by the Judicial Branch that allowed such clear conflicts of interest to occur. We hope you will share our concern, and will act promptly to correct this very serious situation.

Sincerely,

James C. Turner  
Executive Director